IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 99 of 2000

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05/10/1999 in WP NO : 30636 OF 1998 on the file of the High Court.)

Between:

A.P.S.R.T.C. represented by its Depot Manager, Vizianagaram District, Vizianagaram.

..... APPELLANT

AND

1. W.Murali, s/oRamchand, aged about 40 years, r/o Ramchand Building, Temple Street, Vizianagaram.

2. The Chairman and Presiding Officer, Industrial Tribunal-cum-Labout Court, Visakhapatnam.

.....RESPONDENTS

Counsel for the Appellant:Smt.Nanda R.Rao

Counsel for the Respondent No.1: MR.P.Govindarajulu

Counsel for the Respondent No.2: GP for Labour

The Court made the following :

JUDGMENT (Per the Honourable Smt.Justice T.Meena Kumari)

This writ appeal is preferred by the A.P.S. R.T.C., against the order of the learned single Judge passed in W.P.No:30636 of 1998 on 5th October, 1999, by which the writ petition was allowed in part with the observations as mentioned therein.

On the industrial dispute raised by the writ petitioner before the Labour Court, Visakhapatnam, the order of removal was set aside directing the Corporation to reinstate the petitioner with back wages and without attendant benefits but with continuity of service to be counted only for the purpose of pensionary benefits. Aggrieved by the same, the writ petitioner has filed the present writ petition. The learned single Judge having modified the order of the labour Court to the effect that in so far as the continuity of service for the purpose of pensionary benefits, is concerned, the continuity of service should be counted for all the purposes, allowed the writ petition in part.

Considering the date of offence and nature of the charge and the service of the delinquent and the observations made by the labour Court as well as the learned single Judge, without expressing any opinion on the merits of the case, We deem it appropriate to modify the order of the learned single Judge in so far as the continuity of service for all the purposes, is concerned, to the effect that the writ petitioner is entitled to continuity of service for the purpose of pensionary benefits.

Subject to the above modification, this writ appeal is disposed of. No costs.

(T.MEENA KUMARI, J)

19TH JULY, 2005

(P.LAKSHMANA REDDY, J)

GURC/RKK

COPIES TO

1. The Chairman and Presiding Officer, Industrial Tribunal-cum-Labout Court, Visakhapatnam.

2. The Depot Manager, APSRTC, Vizianagaram Dist, Vizianagaram.

3. TWO C.D. COPIES.

4. Two CCs to the GP for Labour, High Court of AP, Hyderabad, (OUT)

HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE P.LAKSHMANA REDDY.

WRIT APPEAL NO:99 OF 2000

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

DATED 19TH JULY, 2005.